THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

Revitalizing the Provincial Approach to Treaty Negotiations: Recommendations for a Referendum on Negotiating Principles

DOC
BC
ZA
D:A26
R4:1
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SELECT STANDING COMMITTEE ON ABORIGINAL AFFAIRS
REPORT
2001

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The Legislative Assembly of
British Columbia

Revitalizing the Provincial Approach to Treaty Negotiations: Recommendations for a Referendum on Negotiating Principles

Select Standing Committee on Aboriginal Affairs
Report
2001

LEGISLATIVE
VICTORIA BC V8V
DEC 03 2001

National Library of Canada Cataloguing in Publication Data

British Columbia. Legislative Assembly. Select Standing Committee on Aboriginal Affairs.
Revitalizing the Provincial Approach to Treaty Negotiations : Recommendations for a Referendum on Negotiating Principles

At head of title: British Columbia.

Report for the 2nd Session, 37th Parliament. Cf. Covering letter.

Submitted to Legislative Assembly of British Columbia. Cf. Covering letter.

ISBN 0-7726-4674-0

1. Native peoples - British Columbia - Treaties.
2. Native peoples - Land tenure - British Columbia.
3. Native peoples - British Columbia - Government relations.
4. Referendum - British Columbia. I. Title.

KEB529.5.L3B74 2001 346.71104'32'08997 C2001-960302-9

KF5660.B74 2001

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November 30, 2001

To the Honourable,
The Legislative Assembly of the
Province of British Columbia
Victoria, British Columbia

Honourable Members:

I have the honour to present herewith *Revitalizing the Provincial Approach to Treaty Negotiations: Recommendations for a Referendum on Negotiating Principles,* the report of the Select Standing Committee on Aboriginal Affairs for the Second Session of the Thirty-Seventh Parliament.

The report covers the work of the Committee with respect to the questions which the Government of British Columbia should submit to voters to implement the Government's commitment to "give all British Columbians a say on the principles that should guide B.C.'s approach to treaty negotiations, through a one-time, province-wide referendum".

Respectfully submitted on behalf of the Committee,

John Les, MLA
Chair

102-02023/

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COMPOSITION OF THE COMMITTEE

MEMBERS

John Les, MLA	Chair	*Chilliwack-Sumas*
Paul Nettleton, MLA	Deputy Chair	*Prince George–Omineca*
Val Anderson, MLA		*Vancouver-Langara*
Bill Belsey, MLA		*North Coast*
Dave Chutter, MLA		*Yale-Lillooet*
Mike Hunter, MLA		*Nanaimo*
Blair Lekstrom, MLA		*Peace River South*
Dennis MacKay, MLA		*Bulkley Valley–Stikine*
Gillian Trumper, MLA		*Alberni-Qualicum*
Rod Visser, MLA		*North Island*

CLERK TO THE COMMITTEE

Kate Ryan-Lloyd, Committee Clerk

COMMITTEE STAFF

Tamara Little, Consultant to the Committee

Audrey Chan, Assistant Researcher

TERMS OF REFERENCE

On August 27, 2001, the Select Standing Committee on Aboriginal Affairs was empowered to examine, inquire into and make recommendations with respect to all matters and issues concerning questions which the Government of British Columbia should submit to voters to implement the Government's commitment to "give all British Columbians a say on the principles that should guide B.C.'s approach to treaty negotiations through a one-time, province-wide referendum," while ensuring that constitutionally protected aboriginal rights and title are respected; and,

That the Committee report their recommendations to the Legislative Assembly no later than November 30, 2001.

In addition to the powers previously conferred upon the Select Standing Committee on Aboriginal Affairs, the Committee shall be empowered:

(a) to appoint, of their number, one or more subcommittees and to refer such subcommittees any of the matters referred to the Committee;

(b) to sit during a period in which the House is adjourned and during any sitting of the House;

(c) to adjourn from place to place as may be convenient;

(d) to retain such personnel as required to assist the Committee;

(e) to permit minority opinions in a report of the Committee;

and shall report to the House as soon as possible, or following any adjournment or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

COMMITTEE PROCESS

On August 27, 2001, the Legislative Assembly instructed the Select Standing Committee on Aboriginal Affairs to report by November 30, 2001, on the form and content of questions that should be used in a one-time, province-wide referendum on principles that should guide BC's approach to treaty negotiations.

The terms of reference specifically indicated that this was to be accomplished **"while ensuring that constitutionally protected aboriginal rights and title are respected."**

The Committee was composed of ten Members of the Legislative Assembly, all of whom are Government caucus Members of the Assembly. In keeping with the traditional practice of all-party representation on legislative committees, the Opposition caucus was invited to nominate a member to sit on the Committee but declined the offer.

The mandate of the Committee was to listen to all British Columbians, Aboriginal and non-Aboriginal, and to report its recommendations to the Legislative Assembly on issues relating to questions to be used in the referendum. A travel schedule that included public hearings in 15 communities in all geographic areas of BC was undertaken in October and early November. In addition, the Committee held two initial briefing sessions, in Victoria and Vancouver, at which specific context-setting presentations were made by the provincial Treaty Negotiations Office, an Aboriginal women's organization, a negotiator for a First Nation, academics and key interested third parties.

The Committee invited both written and oral submissions from the public. In late September a quarter-page announcement ran in daily and weekly newspapers in BC, including selected Aboriginal papers, inviting people to make written submissions to the Committee or register to present at a public hearing. A website was developed and advertised, with meeting schedules, a Committee brochure, and a comprehensive "links" page referring to key organizations, government and Aboriginal websites as well as brief introductory summaries on key aspects of the BC treaty process.

In advance of each hearing, advertisements were again placed in selected regional daily and weekly newspapers. Radio ads were broadcast three times per day for three days in advance of each public hearing. Media releases were sent out to regional media, Local Governments, community groups, Aboriginal umbrella groups, Members of Parliament constituency offices and Members of the Legislative Assembly constituency offices a week in advance of regional public hearings.

Prospective witnesses registered with the Office of the Clerk of Committees to reserve a speaking time, and time was also made available at the public hearings for unscheduled speakers, who were allowed to register at the door whenever possible.

The Committee heard from a total of 482 people and organizations. Submissions included 233 oral presentations at public hearings (of which 138 were also submitted in writing) and 249 written submissions.

The Committee wishes to acknowledge the large number of local MLAs who did not serve on the Committee but who made the effort to attend local public hearings in their ridings and assist in raising awareness about public hearings in their communities.

The Committee also acknowledges the work of several individuals who aided the Committee at all stages of its work. Kate Ryan-Lloyd, the Committee Clerk, traveled with the Committee throughout and provided much-appreciated administrative and procedural advice. Tamara Little, Committee Consultant, also attended public hearings with the Committee, assisted with technical issues related to Aboriginal and treaty policy, drafted the report and generally supported the Committee. Assistant Researcher Audrey Chan assisted with briefing materials and submission summaries. Dorothy Jones traveled with the Committee to some communities. Mary Newell and Karen Heighes handled the challenging Committee travel plans and logistics and arranged for witness participation.

The Committee also thanks the Hansard staff, including Wendy Collisson, Virginia Garrow, Amanda Heffelfinger, Bud Lafaut, Paul Monette, Marilyn Pollard, Pat Samson and Catherine Schaefer, who traveled with the Committee to record the hearings.

Transcripts of the Committee's public hearings are available at www.legis.gov.bc.ca/CMT/37thParl/aaf/index.htm.

HEARING SCHEDULE AND LIST OF MEETINGS

Wednesday, August 29	Victoria	Organizational
Wednesday, September 5	Victoria	Organizational
Wednesday, September 19	Victoria	Briefings
Wednesday, September 26	Vancouver	Briefings
Wednesday, October 3	Prince Rupert	Public Hearing
Thursday, October 4	Smithers	Public Hearing
Friday, October 5	Fort St. John	Public Hearing
Wednesday, October 10	Williams Lake	Public Hearing
Thursday, October 11	Kelowna	Public Hearing
Friday, October 12	Cranbrook	Public Hearing
Wednesday, October 17	Chilliwack	Public Hearing
Thursday, October 18	Vancouver	Public Hearing
Wednesday, October 24	Prince George	Public Hearing
Thursday, October 25	Kamloops	Public Hearing
Friday, October 26	Lillooet	Public Hearing
Thursday, November 1	Nanaimo	Public Hearing
	Port Alberni	Public Hearing
	Campbell River	Public Hearing
Friday, November 2	Victoria	Public Hearing
Wednesday, November 7	Victoria	Deliberations
Thursday, November 8	Victoria	Deliberations
Wednesday, November 14	Victoria	Deliberations
Friday, November 16	Victoria	Deliberations
Monday, November 19	Victoria	Deliberations
Thursday, November 22	Victoria	Deliberations
Monday, November 26	Victoria	Approval of Report

EXPLANATORY NOTE

As directed by the Legislative Assembly, the role of the Select Standing Committee on Aboriginal Affairs was to examine matters related to and provide recommendations on referendum questions on provincial principles for negotiating treaties with Aboriginal people.

This report recommends a process of reconciliation; a series of referendum questions, to be based on current and expanded provincial negotiating principles; and a type of ballot to be used in the referendum.

This report limits its review to the matter at hand, the referendum questions, rather than undertaking a broader analysis of the treaty process and specific elements within it. For a variety of reasons witnesses provided advice on topics much broader than the focus of this Committee. We heard from a variety of people and organizations, all of whom provided insight and heartfelt advice on issues relating to the treaty process, Aboriginal history and cultures as well as the referendum and its questions.

However, because of its limited mandate the Committee has not summarized this material in its report. There may be an opportunity in the future for this Committee to more carefully review the broader issues and perhaps further investigate them, with the assistance of both the public and experts interested in and knowledgable about treaty negotiations.

Transcripts of oral presentations made during the public hearing process will remain on the website of the Office of the Clerk of Committees. The Committee strongly urges those interested in the current BC treaty process to carefully review the *Hansard* transcripts of the two briefings and 15 public hearings. These transcripts are a remarkable resource for those interested in building on the current process, reflecting on the challenges and successes to date, and describing ways to improve negotiations in such diverse areas as public education and the role of the BC Treaty Commission.

The Appendices include a list of oral and written submissions to the Committee. The Committee was interested in hearing people's views and ideas. Submissions, oral and written, may contain various misinterpretations of the often complex fields of Aboriginal policy, law and history. The Committee reports the input as views expressed by the public and does not take responsibility for the accuracy of views presented.

The Committee wishes to thank all the individuals and organizations that provided written and oral submissions. The Committee heard from a large number of Aboriginal people, speaking on their own behalf or for governments and organizations. Members valued and appreciated the personal stories told by Aboriginal participants, particularly Aboriginal women and youth who spoke on issues relating to themselves and their families.

RECONCILIATION – A CONTEXT FOR TREATY NEGOTIATIONS

> *"It will take foresight, political courage and commitment to conclude treaties that bring harmony and reconciliation to BC."* Isabel Heaman, November 2, 2001, Victoria

As directed by the Legislative Assembly, the role of the Select Standing Committee on Aboriginal Affairs was to examine matters related to and provide recommendations on referendum questions on provincial principles for negotiating treaties with Aboriginal people. The purpose of this report is to set out the recommended referendum questions. However, in its deliberations the Committee concluded that a broader process of reconciliation and an expression of regret by the Government must be undertaken as part of the treaty process.

RECOMMENDATION:

Your Committee recomments that a process of reconciliation, including an expression of regret by the Government of British Columbia regarding the experiences of Aboriginal people, be undertaken.

BACKGROUND

This Committee recommends that the Legislative Assembly and the Government of British Columbia, on behalf of British Columbians, embark on a process of cultural reconciliation, to include an expression of regret by the Government of British Columbia. The Committee considered this issue at length and felt that an important way to revitalize the treaty process and set a new vision and context for negotiations is through a process of reconciliation.

This recommendation is based on many statements by witnesses who emphasized that reconciliation must be the general goal of treaty negotiations and should also define a new relationship with all Aboriginal people, including those not in the treaty process. This reconciliation process will need to happen at a provincial level and involve the most senior of government representatives. It will also need to be undertaken in consultation with the Aboriginal people and their governments: their role in this process is vital and valued. The Committee envisions treaties perhaps including specific language addressing reconciliation. The Committee emphasizes that this is a process of community-based reconciliation and is not meant to attribute blame or guilt to individuals.

There are examples of cultural healing between settler communities and indigenous peoples throughout the world. In 1999 the Australian Parliament passed a historic motion of reconciliation, and after a decade of activity the national Council for Aboriginal Reconciliation reported on its final proposals for a Document of Reconciliation. A reconciliation movement took place in 2000, culminating in a national Corroborree or celebration in which a "People's Walk for Reconciliation" in Sidney drew over 250,000 people. In New Zealand, where the Treaty of Waitangi (1840) outlines the relationship between indigenous Maori and settler communities, modern treaties include explicit recognition and apologies for past wrongs and provide a basis for reconciliation.

THE REFERENDUM BALLOT

PROPOSED REFERENDUM ON THE PROVINCIAL PRINCIPLES

INTRODUCTION

The Select Standing Committee was asked by the Legislative Assembly to inquire into and make recommendations on matters and issues concerning the referendum questions. Its recommendations form the substance of this report. The Committee has listened carefully to the public and to representatives of the Provincial Government and recommends that the referendum questions focus on provincial principles, including expanded and enhanced principles that complement the current principles used in treaty negotiations.

We did not hear any substantial opposition to the current principles and therefore recommend that they form the core of the referendum questions to be considered by the public. They have undergone much consideration by the Provincial Government and have served as a basis for negotiations thus far. This report suggests how a one-time, province-wide referendum will bring the provincial negotiating principles to the public.

The Provincial Principles

As a basis of discussion on the provincial approach to treaty negotiations, the Committee reviewed the principles already developed and used by provincial negotiators. The provincial principles were first described in 1991, when BC first entered the treaty process. These principles were then further explored in 1993, at which point new principles relating to openness and the involvement of Local Government were added. These were finalized in their current form and made public in 1993.

Although the principles were endorsed by government internally, they have never been brought to the public for discussion, consideration and potential endorsement. That is the function of the referendum. These principles have been reviewed and clarified by the Committee. Some of the original principles have been included in the proposed referendum ballot; some have been included in the preamble statements. These expanded and enhanced principles will serve as the basis for the referendum ballot.

A Note on the B.C. Task Force Principles and the B.C. Treaty Commission

A separate set of principles also referred to in the public hearings is the 1990 B.C. Claims Task Force report recommendations. These relate to the treaty negotiations **process** rather than to the content of negotiations or to the mandates of the three negotiating parties. These principles have been endorsed by the Provincial and Federal Governments and by the First Nations Summit, representing Aboriginals in the treaty process.

Designated as the "keeper" of the treaty process, the B.C. Treaty Commission (BCTC) is responsible for monitoring these key **process** principles, which are not being considered or questioned by this Committee and will not in any way be part of a referendum. A referendum will be limited exclusively to those provincial principles that relate to the internal mandate or approach of the Province.

RECOMMENDATIONS FOR THE REFERENDUM BALLOT

RECOMMENDATION:

Your Committee recommends that the following be the ballot for a referendum on provincial principles on treaty negotiations:

VISION

The Province of British Columbia is engaged in treaty negotiations with the Federal Government and Aboriginal Governments to reconcile Crown title and claims of Aboriginal title. It is hoped that treaties will serve as a basis for a new relationship that will lead to a prosperous future for all British Columbians.

WHEREAS:

- The Government of British Columbia has committed to providing the public with a one-time, province-wide referendum vote on the provincial principles guiding treaty negotiations; and
- The objective of this referendum is to receive public endorsement of the principles to revitalize the process of negotiating treaties; and
- A clear definition of Aboriginal rights and title and new relationships with Aboriginal people are best established in treaties; and
- The Canadian Constitution and the Charter of Rights and Freedoms will continue to apply equally to all British Columbians; and
- The Federal Government's primary constitutional and financial responsibility for treaties must be maintained;

Therefore, do you support the following provincial principles for negotiation:

Openness

1. Treaties should be negotiated in as transparent a manner as possible. Yes or No
2. Treaty negotiation should be responsive to the input of local community and economic interests. Yes or No
3. Local Government participation in the treaty process is guaranteed. Yes or No

Property and Interest Issues

4. Private property is not negotiable, unless there is a willing seller and a willing buyer. Yes or No
5. Continued access to hunting, fishing, and recreational opportunities will be guaranteed for all British Columbians. Yes or No
6. The Province will maintain parks and protected areas for the use and benefit of all British Columbians. Yes or No
7. All terms and conditions of provincial leases and licences will be honoured. Yes or No
8. Fair compensation for unavoidable disruption of commercial interests will be assured. Yes or No

Aboriginal Governance

9. The Province will negotiate Aboriginal Government with the characteristics and legal status of Local Government. Yes or No
10. Treaties must strive to achieve administrative simplicity and jurisdictional clarity amongst various levels of government. Yes or No
11. Province-wide standards of resource management and environmental protection will continue to apply. Yes or No
12. Treaties should provide mechanisms for harmonization of land-use planning between Aboriginal Governments and Local Governments. Yes or No

Settlement

13. Affordability should be a key factor in determining the amount of land provided in treaty settlements. Yes or No
14. Treaties must ensure social and economic viability for all British Columbians. Yes or No
15. The existing tax exemptions for Aboriginal people will be phased out. Yes or No
16. Treaty benefits, including cash and land, should be distributed and structured to create economic opportunities for all, including those living on and off reserve. Yes or No

REVIEW OF THE REFERENDUM BALLOT

REVIEW OF THE PROVINCIAL PRINCIPLES

The following sections outline the provincial principles proposed by the Committee for public consideration on the referendum ballot. These background sections explain why expanded and enhanced principles are proposed by the Committee, based on what was presented in hearings and in written submissions.

It is the Committee's hope that the Legislative Assembly will receive and consider these questions, which in due course will form the basis of a referendum that allows all BC citizens to have a direct say on the provincial principles.

INTRODUCTORY STATEMENTS

VISION

The Province of British Columbia is engaged in treaty negotiations with the Federal Government and Aboriginal Governments to reconcile Crown title and claims of Aboriginal title. It is hoped that treaties will serve as a basis for a new relationship that will lead to a prosperous future for all British Columbians.

WHEREAS:

- **The Government of British Columbia has committed to providing the public with a one-time, province-wide referendum vote on the provincial principles guiding treaty negotiations; and**
- **The objective of this referendum is to receive public endorsement of the principles to revitalize the process of negotiating treaties; and**
- **A clear definition of Aboriginal rights and title and new relationships with Aboriginal people are best established in treaties; and**
- **The Canadian Constitution and the Charter of Rights and Freedoms will continue to apply equally to all British Columbians; and**
- **The Federal Government's primary constitutional and financial responsibility for treaties must be maintained.**

BACKGROUND

> *"Aboriginal people in Canada have constitutionally protected rights that are beyond the authority of the British Columbia Legislature. The reason we are negotiating treaties is so that we can clearly define these rights, eliminate uncertainty and clear up the legislative vacuums."* Garry Merkel, October 5, 2001, Kimberley

The referendum questions on the principles for negotiation are preceded on the ballot by a Vision Statement and a preamble. The Vision Statement sets the context for the questions, and the introductory preamble identifies relevant issues that are important but are not principles and do not need endorsement.

The Committee has reviewed the current provincial principles in great detail, and recognizes that some current principles are statements of absolute commitments that will not be altered. These principles form part of the preamble statements.

An important example of this is the statement indicating that the Province intends to negotiate treaties as a way to define both Aboriginal rights and a new relationship with Aboriginal people. A referendum question on this issue is inappropriate because there is already a commitment by the Government to negotiate treaties. Another example is the statement relating to the application of the Constitution (including Section 35 recognizing Aboriginal rights) and the Charter of Rights and Freedoms. The application of these statutes cannot be changed by a referendum because they are obligations the Province has within a legal context (e.g., recognition of the Constitution of Canada).

In these cases the concepts have been included as an introduction to the referendum questions, but because they should continue unaltered they are not proposed as questions. The preamble is provided to identify issues that are part of the broader process and approach but do not require further endorsement.

OPENNESS

1. **Treaties should be negotiated in as transparent a manner as possible.**
2. **Treaty negotiation should be responsive to the input of local community and economic interests.**
3. **Local Government participation in the treaty process is guaranteed.**

BACKGROUND

Many witnesses, particularly those with direct experience in treaty negotiations, brought up the issue of openness in negotiations. It was noted that although openness is the objective now, there are often cases where, if parties oppose it, the tables are not completely open.

The Committee proposes a revised principle on openness that invites responsiveness to community and economic interests (e.g., community groups) because it was asserted at the hearings that more local community involvement in negotiations will lead to relationship-building and potential partnerships. This principle draws on comments made by many third parties and community groups that the process has not fully engaged them, to the detriment of the process and Aboriginal people. Although it is appreciated that negotiations of any sort at certain stages benefit from closed doors, the public overwhelmingly maintained that more, not less, inclusion will create stronger and more durable treaties that will receive the support of the local community.

The Committee heard no opposition to Local Government participation. It should therefore continue as per the 1993 agreement between the Province and the Union of B.C. Municipalities, which stipulates a role for Local Government representatives as advisors on the provincial team. However, the Committee includes a question on Local Government participation as an opportunity for consideration and potential endorsement.

PROPERTY AND INTEREST ISSUES

4. **Private property is not negotiable, unless there is a willing seller and a willing buyer.**
5. **Continued access to hunting, fishing, and recreational opportunities will be guaranteed for all British Columbians.**
6. **The Province will maintain parks and protected areas for the use and benefit of all British Columbians.**
7. **All the terms and conditions of provincial leases and licences will be honoured.**
8. **Fair compensation for unavoidable disruption of commercial interests will be assured.**

BACKGROUND

Throughout the last eight years of treaty negotiations in British Columbia one key issue has been repeatedly raised by non-Aboriginal people: will private property be impacted by treaties? This concern may be one of the impediments to achieving full support for treaties in BC.

The Committee therefore proposes that the referendum include a question re-articulating and clarifying the current principle on private property. This would emphasize that the Province will not use private property for treaty settlements without the express permission of that property owner, who must be a willing seller of that property. In urban areas and in some unique circumstances throughout the province there may be occasions when the only land available is privately held. In these situations it may be of mutual benefit to the Aboriginals and to the property owners to consider having the Government purchase the land from a willing seller and including it in the treaty package. Harmonization of land-use plans should be an issue for consideration therefore a principle on the topic is proposed on the ballot. Representatives of Aboriginal Governments who made presentations to the Committee emphasized that Aboriginal people are not interested in settling treaties by taking land that is currently owned by other people.

The remaining principles comprise current principles with no substantial changes. The current principles are important because they provide direction on how to accommodate other non–fee simple interests in land. For many people such issues are key to their interests in treaty negotiations. An opportunity for consideration and possible endorsement would assist in defining the level of public support for these ideas.

CHARACTERISTICS OF ABORIGINAL GOVERNANCE

9. The Province will negotiate Aboriginal Government with the characteristics and legal status of Local Government.

10. Treaties must strive to achieve administrative simplicity and jurisdictional clarity amongst various levels of government.

11. Province-wide standards of resource management and environmental protection will continue to apply.

12. Treaties should provide mechanisms for harmonization of land-use planning between Aboriginal Governments and Local Governments.

BACKGROUND

Aboriginal governance was one of the most popular topics of discussion in oral and written submissions. Witnesses spoke on a variety of issues, including the nature of Aboriginal governance, the source of governance authority, and whether the Constitution has anticipated and thus protected Aboriginal governance.

The Committee has recommended a question on the style of Aboriginal governance as a way of providing the public with an opportunity to consider endorsing the current Government's approach to this issue.

The Current Provincial Principle

The Province is currently committed to negotiating workable, affordable treaty settlements that will provide certainty, finality and equality. The Province holds that treaties are the best way to forge a new relationship with Aboriginal people, where Aboriginal rights and title are clearly defined under the Constitution.

However, the Committee agrees that treaties are only one tool available in undertaking a reconciliation process and providing opportunities for increased Aboriginal success in the provincial economy. There may be other, incremental measures that can be developed and implemented as negotiations progress. The Provincial Government has committed to immediately negotiating Local Government–style, delegated Aboriginal governance, outside of treaties, with any Aboriginal groups in BC that choose to do so.

Governance with the Characteristics of Local Government

Few submissions specifically opposed Aboriginal governance but rather opposed it if the scope, authority and legal nature were to go beyond that of Local Governments. Many people expressed a strong preference for governance that was delegated from the Provincial and Federal Governments to Aboriginal Governments rather than agreements that provide for constitutionally based authorities that are protected and not easily changed. History has taught that in order to be effective, governance structures need to be evolutionary and open to future improvement as well as built according to levels of community need.

In terms of the scope of powers for Aboriginal Government many submissions accepted that Aboriginal Governments would need some powers beyond those of Local Governments in order to

govern issues "internal and integral" to the culture, such as health or education. The Committee has considered this issue and suggests that the process of expanding Local Government powers and authorities, which has been underway in BC for some time, may begin to address these interests.

Local Governments now vary significantly from one another in terms of the services they deliver and their form of organization. There is potential for Aboriginal governance, based on the evolving Local Government model.

Aboriginal Women

The Committee supports all Aboriginal people having a direct say in the model of Aboriginal governance to be negotiated by the Province. Aboriginal women witnesses in particular expressed concerns over Aboriginal governance post-treaty. Many Aboriginal women do not feel that their interests are consistently considered by on-reserve Band councils. Their experiences have often not been positive, and they have fears that significant protections and improvements in accountability and democracy must be ensured in treaties as part of Aboriginal governance. Witnesses stressed the importance of other levels of government affording some protection to Aboriginal women through treaties and legislation.

Administrative Simplicity and Jurisdictional Clarity

A common theme in submissions to the Committee was the possibility of treaties and Aboriginal governance creating complex bureaucratic and regulatory regimes in BC. The concern is that treaties will oblige governments, industry and perhaps private citizens to engage with multiple levels of government.

A revised principle would support the goal of minimizing any jurisdictional overlap and reducing situations where two governments have law-making and regulatory responsibilities for the same land base. This in turn would encourage better treaties. Consultation requirements should be clarified, and treaties should not impose any further consultation requirements that would result in an unmanageable entanglement of rules and regulations off treaty lands.

Witnesses referred to the need for certainty. Aboriginal treaty rights must be clearly identified and land title must be strictly delineated, making it clear which lands are under Aboriginal jurisdiction. A principle that encourages limiting any unnecessary complexities would help ensure that Aboriginal governance does not act as a deterrent, but rather as an encouragement, to economic success in the province.

Harmonization

> *"What we'd like in terms of the treaty process and your work is to make sure that there's some coordination between the land-use planning that happens in the trust area between the non–First Nations communities and the First Nations communities. There's a need, where there are parallel communities, for a parallel process where we can coordinate the land-use activities between the First Nation and the non–First Nation communities on these islands."*
> David Essig, November 2, 2001, Victoria

The Committee has recommended a new principle addressing the issue of land-use planning harmonization. This topic is important, particularly in urban environments where complex land-use patterns necessitate careful planning to ensure appropriate land-use. The Committee proposes a principle to help treaties achieve harmonization, and provide further opportunities for Local Governments and Aboriginal Governments to work together as neighbours for the benefit of both communities.

SETTLEMENT

13. Affordability should be a key factor in determining the amount of land provided in treaty settlements.

14. Treaties must ensure social and economic viability for all British Columbians.

15. The existing tax exemptions for Aboriginal people will be phased out.

16. Treaty benefits, including cash and land, should be distributed and structured to create economic opportunities for all, including those living on and off reserve.

BACKGROUND

Affordability

Negotiating treaties will result in two main costs for the Government of BC: the cost of negotiating and the cost of settlement (including implementation), which for BC consists primarily of land. If endorsed, the above principles, some of which are expanded and enhanced, could provide negotiators with guidance on settlement offers.

According to the witnesses heard by the Committee, affordability must be a central principle for treaties. Expectations have until now been unrealistic in terms of the amount of land and cash to be included in settlements. There must be some recognition that amounts must be affordable and reasonable. The provincial principle proposed in this area has been expanded to emphasize the need for land allocations, the primary provincial contribution, to be affordable.

The original provincial principle read: "When the treaty process is complete, the total area of land held by First Nations will be proportional to their population." The Committee has restated this principle to specifically reference the amount of land in settlements instead of focusing on proportionality, the idea that the amount of land offered to Aboriginal people should be a percentage of Crown land that is proportional to their population. The Committee supports a criterion based on affordability, not proportionality, as the basis of developing land amounts.

The Committee recognizes that the issue of affordability and land amounts may be something already considered by the Government. This knowledge could guide the Government in developing a more precise principle relating to the actual amounts of land in treaties. The Committee strongly urges the Government to examine the issue of affordability carefully and to consider the costing of treaties, including short- and long-term costs (e.g., implementation), as well as full value of land (including full values of subsurface interests and forestry resources).

Economic Viability for All Citizens, including Aboriginal People On and Off Reserve

Treaties are about reconciling Crown land title and claims of Aboriginal title and defining treaty rights. However, it is also hoped that treaties, and the assets provided in treaties, will be the basis of renewed economic success for all Aboriginal people. The Committee proposes a principle on the need for treaties to ensure the economic and social viability of all British Columbians.

> *"Let's not repeat the error of thinking that if communal ownership doesn't work, more of it will solve the problem. It will not and cannot. I believe that people ought to have a choice as to existing reserves. If they want to keep the 800,000-or-so acres that are set up as existing reserves in British Columbia, we should not take that away unless people vote to change the system to suit their aspirations."* Owen Anderson, October 18, 2001, Vancouver

The Committee recognizes and respects the uniquely communal nature of Aboriginal cultures. However, it also acknowledges that BC has a fully developed economic environment, where arguably the entire land base and all resources and assets in the province are in various ways engaged in the economy. This makes it challenging to carve out a place for Aboriginal people and difficult to access the resources required to ensure their self-sufficiency.

A key result of treaties may be ensuring that Aboriginal people can participate, as communities and as individuals, in a healthy and vibrant economy. For instance, the public supports a mechanism by which Provincial Government negotiators can focus attention on the opportunities for treaty settlements which include a mixture of individually and communally or government-owned lands. There may be other models in jurisdictions such as Alaska, where land ownership is vested in corporations which have individual Aboriginal shareholders.

Many presenters emphasized that in this economy, economic success is based not only on entrepreneurial spirit, skill, or money but also on capital, which often depends on individual and legal rights to property. There may be some benefit in raising the matter of balancing interests in communal ownership with the broader economy, where there is a relationship between clearly defined individual property ownership and economic success.

> *"I would personally like you to include, when you do draft your question, some passage in it that addresses the significance of the off-reserve and urban Aboriginal experience. It is so crucial."* Dr. John Richards, October 18, 2001, Vancouver

The proposed principle also addresses the importance of meeting the interests of off-reserve Aboriginal people. The Committee heard from a number of presenters, including academic experts, who commented that the treaty process is not meeting the needs of off reserve and urban Aboriginal people. One witness reviewed the challenges of urban Aboriginal people, who have standards of living remarkably below the norm for other urban citizens. Migration from reserves is primarily the result of the terrible unemployment rates and economic conditions on reserve, which drive people away from their home communities. Migration is also part of a larger global trend towards urbanization. Once in urban environments, support is minimal and standards of living are not necessarily higher. Aboriginal-centred education was proposed as a potential method of improving educational success, and thus living standards, in an urban environment and engaging Aboriginal people in the broader economy.

Individual Aboriginal people living off reserve emphasized that they do not necessarily feel treaties will benefit them. The Committee supports treaties and settlements being structured to meet the needs of off-reserve Aboriginal people. The Committee envisions that a principle on this topic, if endorsed, could be the basis for the Province to further consider how to create treaties that lead to improved economic and living conditions for all Aboriginal people.

In addition, treaties should provide a full definition of the treaty rights of all Aboriginal people, regardless of where they live now or in the future. Once this is done, the Province can be confident that all obligations have been met and certainty achieved regarding previously undefined Aboriginal rights.

REFERENDUM PROCESS

REFERENDUM FORMAT

RECOMMENDATION

Your Committee recommends that the referendum ballot be in the form of a mail-in ballot.

It was clear to the Committee early in their considerations that presenting provincial principles on a ballot would be a challenge. The Committee has recommended some changes and additions to the current principles, resulting in 16 principles in addition to a Vision Statement and preamble. Because of this the Committee has recommended that a mail-in ballot be used instead of an attendance-based ballot where people vote at polls.

The advantages of a mail-in ballot are considerable. It is cost effective, easier to conduct, and should increase participation. Perhaps the most important reason for recommending a mail-in ballot, however, is the ability to include additional information that discusses key points of the provincial principles. It provides time for voters to consider all materials. Although new to BC, mail-in ballots are well tested in other jurisdictions and mitigate some of the challenges of holding a traditional referendum on a complex topic.

PUBLIC INFORMATION

> *"If the referendum process does nothing else but educate all British Columbians on this issue [of treaty negotiations], it will have been a great success."* Gordon Gibson, September 26, 2001, Vancouver

The Committee heard from many witnesses that one of the most challenging elements of a referendum on provincial negotiating principles is how to prepare the public for answering the questions on the ballot. The Committee agrees that this is a difficult task but has confidence that the Provincial Government can undertake the task successfully and that the people of British Columbia are up to the challenge.

The Committee notes that the issue of public information on treaty negotiations is an important one and encourages all parties, including the B.C. Treaty Commission (BCTC), the Federal Government and the Province and its appropriate Ministries to seriously consider how to implement effective public information as negotiations progress. Providing such information has been a weakness of the BC treaty process, despite efforts by the BCTC and others. This information shortfall will not be overcome quickly, but a continued and sustained effort will help reduce misconceptions and help ensure that British Columbians are involved in this important public policy issue. The Committee emphasizes the importance of making neutral information about the referendum process available to the voting public.

APPENDICES

APPENDIX I - SUMMARY OF RECOMMENDATIONS AND REFERENDUM QUESTIONS

RECOMMENDATION:

Your Committee recommends that a process of reconciliation, including an expression of regret by the Government of British Columbia regarding the experiences of Aboriginal people, be undertaken.

RECOMMENDATION:

Your Committee recommends that the following be the ballot for a referendum on provincial principles on treaty negotiations:

VISION

The Province of British Columbia is engaged in treaty negotiations with the Federal Government and Aboriginal Governments to reconcile Crown title and claims of Aboriginal title. It is hoped that treaties will serve as a basis for a new relationship that will lead to a prosperous future for all British Columbians.

WHEREAS:

- The Government of British Columbia has committed to providing the public with a one-time, province-wide referendum vote on the provincial principles guiding treaty negotiations; and
- The objective of this referendum is to receive public endorsement of the principles to revitalize the process of negotiating treaties; and
- A clear definition of Aboriginal rights and title and new relationships with Aboriginal people are best established in treaties; and
- The Canadian Constitution and the Charter of Rights and Freedoms will continue to apply equally to all British Columbians; and
- The Federal Government's primary constitutional and financial responsibility for treaties must be maintained;

Therefore, do you support the following provincial principles for negotiation:

Openness

1. Treaties should be negotiated in as transparent a manner as possible. Yes or No
2. Treaty negotiation should be responsive to the input of local community and economic interests. Yes or No
3. Local Government participation in the treaty process is guaranteed. Yes or No

Property and Interest Issues

4. Private property is not negotiable, unless there is a willing seller and a willing buyer. Yes or No

5. Continued access to hunting, fishing, and recreational opportunities will be guaranteed for all British Columbians. Yes or No

6. The Province will maintain parks and protected areas for the use and benefit of all British Columbians. Yes or No

7. All terms and conditions of provincial leases and licences will be honoured. Yes or No

8. Fair compensation for unavoidable disruption of commercial interests will be assured. Yes or No

Aboriginal Governance

9. The Province will negotiate Aboriginal Government with the characteristics and legal status of Local Government. Yes or No

10. Treaties must strive to achieve administrative simplicity and jurisdictional clarity amongst various levels of government. Yes or No

11. Province-wide standards of resource management and environmental protection will continue to apply. Yes or No

12. Treaties should provide mechanisms for harmonization of land-use planning between Aboriginal Governments and Local Governments. Yes or No

Settlement

13. Affordability should be a key factor in determining the amount of land provided in treaty settlements. Yes or No

14. Treaties must ensure social and economic viability for all British Columbians. Yes or No

15. The existing tax exemptions for Aboriginal people will be phased out. Yes or No

16. Treaty benefits, including cash and land, should be distributed and structured to create economic opportunities for all, including those living on and off reserve. Yes or No

RECOMMENDATION:

Your Committee recommends that the referendum ballot be in the form of a mail-in ballot.

APPENDIX II - LIST OF WITNESSES

	Submission Number	Public Hearing
Steve Abbott		24-Oct-01 Prince George
Birthe Wilson Achtner	AAF-sub-46	
Wilf Adam, British Columbia Treaty Commission		18-Oct-01 Vancouver
Ronald Adamson	AAF-sub-211	
Judi Ainsworth, North Vancouver Chamber of Commerce	AAF-sub-314	
John Alden	AAF-sub-101	
Frank Alec, Lake Babine Nation		04-Oct-01 Smithers
Christine Alexis	AAF-sub-225	
Judy Alger	AAF-sub-21	
Erik R.D. Andersen	AAF-sub-330	01-Nov-01 Nanaimo
Dr. Owen Anderson, Hawthorne Consulting Corp.		18-Oct-01 Vancouver
F. B. André	AAF-sub-221	
Rev. Thomas M. Anthony	AAF-sub-288	
Chief F. Gordon Antoine, Coldwater Indian Band	AAF-sub-292	
Barbara Armitage		03-Oct-01 Prince Rupert
Ted Armstrong, Cariboo Regional District	AAF-sub-307	10-Oct-01 Williams Lake
Bill Assu		01-Noc-01 Campbell River
W.P. Auhow	AAF-sub-240	
Rev. Juanita Austin	AAF-sub-117	10-Oct-01 Williams Lake
Gary Babister	AAF-sub-188	25-Oct-01 Kamloops
A. Bachmeier		01-Nov-01 Port Alberni
Bob Bacon		05-Oct-01 Fort St. John
Archie Bain	AAF-sub-293	
Chief Kim Baird, Tsawwassen First Nation	AAF-sub-125	
Faye Barichello	AAF-sub-104	
Duncan Barnett, British Columbia Cattlemen's Association	AAF-sub-181	25-Oct-01 Kamloops
T. Batchelor	AAF-sub-120	
Carol C. Bear	AAF-sub-305	
Donald W. Beaton	AAF-sub-228	
Doris Beaudry	AAF-sub-271	
Mary and Raff Beaussart	AAF-sub-267	
Sonny Beck		24-Oct-01 Prince George
Marlie Beets, Council of Forest Industries	AAF-sub-115	18-Oct-01 Vancouver
Ann Behennah	AAF-sub-349	02-Nov-01 Victoria

Lucien and Shirley Beke	AAF-sub-106	
Lorraine Bell	AAF-sub-371	
Mayor Don Bell, Lower Mainland Treaty Advisory Committee	AAF-sub-157	18-Oct-01 Vancouver
Bruce Bennett, British Columbia Chamber of Commerce		24-Oct-01 Prince George
Geoff Bennett	AAF-sub-240	
Kenneth L. Berg	AAF-sub-26	12-Oct-01 Cranbrook
Dan Berkshire		01-Nov-01 Campbell River
Rick Berry		24-Oct-01 Prince George
Joan M. Best	AAF-sub-176	
Chad Bester	AAF-sub-132	
Janice Dick-Billy, Neskonlith Indian Band	AAF-sub-191	25-Oct-01 Kamloops
Ken Black	AAF-sub-72	
John N. Jack Bone, Cowichan Fish and Game Association	AAF-sub-295	
Suan H. Booiman, Esq.	AAF-sub-13	
Pirjo Boucher	AAF-sub-71	
Wes Boulding	AAF-sub-265	
Dr. Ehor Boyanowsky, CANFREE	AAF-sub-179	26-Sep-01 Vancouver
Patrick Brabazon, Atrevida Group	AAF-sub-341	01-Nov-01 Campbell River
Beverly Bradley	AAF-sub-240	
Uke Breuker	AAF-sub-48	
J. M. Bridgeman	AAF-sub-218	
Mayor A.T. Briggs, Northern Treaties Treaty Advisory Committee	AAF-sub-210	
D.A. Briscoe	AAF-sub-309	
Dave Brown		12-Oct-01 Cranbrook
Diane Brown, Mid Island Chapter, Council of Canadians	AAF-sub-326	01-Nov-01 Nanaimo
Murray W. Browne	AAF-sub-358	02-Nov-01 Victoria
Georg Brueckert	AAF-sub-12	
Tony Brumell		25-Oct-01 Kamloops
Councillor Ken J. Buchanan (Nii lax dax'txw), Village of Hazelton, Gitxsan	AAF-sub-89	04-Oct-01 Smithers
Erwin Bundt	AAF-sub-384	
Bruce Burrows, Living Oceans Society	AAF-sub-290	
Bill Buttuls	AAF-sub-134	26-Oct-01 Lillooet
Eric J. Bysouth	AAF-sub-62	
Gil Caffyn		17-Oct-01 Chilliwack

Don Callaghan	AAF-sub-201	24-Oct-01 Prince George
Mayor Donald Cameron, District of Summerland	AAF-sub-121	
Jane Cameron, Atrevida Group	AAF-sub-341	
F. Cammiade	AAF-sub-383	
Alan N. Campbell	AAF-sub-86	04-Oct-01 Smithers
Graham G. Campbell	AAF-sub-130	
Maureen Campsall		12-Oct-01 Cranbrook
Adriane Carr, Green Party of British Columbia	AAF-sub-356	02-Nov-01 Victoria
G.W.(Bill) Carruthers		10-Oct-01 Williams Lake
Jack Carson	AAF-sub-375	
Arlene Carsten	AAF-sub-248	
Don Carter		26-Oct-01 Lillooet
Sarah Chandler	AAF-sub-273	
Gerry Chaster	AAF-sub-60	
John G. Chittick	AAF-sub-219	
Tony P. Chwartacki	AAF-sub-119	
Terry Clark	AAF-sub-373	
Alfred F. Clarke	AAF-sub-15	
Brian E. Clozza	AAF-sub-312	
Dave Clyne		17-Oct-01 Chilliwack
Dr. D.C. and Mrs. G.L. Coleman	AAF-sub-313	
Kenneth L. Collins and family	AAF-sub-209	
Larry Commodore, Western Canada Wilderness Committee	AAF-sub-361	02-Nov-01 Victoria
John Connor	AAF-sub-257	
L.M. Cook	AAF-sub-239	
Linda Cooney	AAF-sub-255	
Chief Councillor Charlie Cootes, Jr., Uchucklesaht Tribe	AAF-sub-376	01-Nov-01 Port Alberni
Thomas Cottons	AAF-sub-55	
Wayne Coulson, Coulson Group of Companies	AAF-sub-322	01-Nov-01 Port Alberni
Sandy Cowan	AAF-sub-291	
Rev. Daniel Croft	AAF-sub-143	11-Oct-01 Kelowna
Don Cromarty, Skwah Indian band		11-Oct-01 Kelowna
Mike Cullen		01-Nov-01 Campbell River
Marion Cumming	AAF-sub-350	02-Nov-01 Victoria
John Cummins, MP	AAF-sub-154	18-Oct-01 Vancouver
Councillor Ray Cunningham, District of Chetwynd	AAF-sub-38	05-Oct-01 Fort St. John

Robert H. Currie	AAF-sub-243	
Jud Cyllorn	AAF-sub-279	
Mrs. Mary G. Dalen, Gitxsan	AAF-sub-83	04-Oct-01 Smithers
Ty Danlock	AAF-sub-17	
April Davidson	AAF-sub-258	
D. Davies	AAF-sub-95	
David and Kathleen Davies	AAF-sub-177	
Peter DeGreef, Pacific Coast Fishing Vessel Owners Guild		02-Nov-01 Victoria
Darren DeLuca	AAF-sub-323	01-Nov-01 Port Alberni
Don DeMille	AAF-sub-7	
Clarence Dennis, Huu-ay-aht First Nations		01-Nov-01 Nanaimo
Robert Dennis, Huu-ay-aht First Nations		01-Nov-01 Port Alberni
Ray Derickson	AAF-sub-387	
Susan DeSandoli	AAF-sub-37	
Christoph Dietzfelbinger, Bear Enterprises Ltd	AAF-sub-227	
Aaron Dinwoodie, Central Okanagan Regional District, Area G		11-Oct-01 Kelowna
Alice Doll		04-Oct-01 Smithers
Lee-Anne Dore		01-Nov-01 Nanaimo
Gary M. Dow	AAF-sub-137	24-Oct-01 Prince George
Jim Downie	AAF-sub-53	
Helen Drost	AAF-sub-352	02-Nov-01 Victoria
Elsa Drummond	AAF-sub-141	
Janet Dunnett		02-Nov-01 Victoria
John Eadie	AAF-sub-237	
Jacinthe B. Eastick	AAF-sub-327	01-Nov-01 Nanaimo
J. Eckardt, Beta International	AAF-sub-145	
Mr. & Mrs. G. H. Eichel	AAF-sub-14	
Peter Eichinger, Jr	AAF-sub-167	
Chris Eidsvik	AAF-sub-338	01-Nov-01 Campbell River
Odd Eidsvik, Eidsvik & Associates Chartered Accountants	AAF-sub-244	
Phillip Eidsvik, B.C. Fisheries Survival Coalition	AAF-sub-180	26-Sep-01 Vancouver
Avigail Eisenberg, British Columbia Civil Liberties Association	AAF-sub-357	02-Nov-01 Victoria
Bernie Elkins, Cariboo Tribal Council	AAF-sub-118	10-Oct-01 Williams Lake
Reed Elley, MP	AAF-sub-329	01-Nov-01 Nanaimo
Bill Ellis	AAF-sub-16	03-Oct-01 Prince Rupert

Rowena Eloise	AAF-sub-171	
David Essig, Islands Trust	AAF-sub-366	02-Nov-01 Victoria
Ina and Frank Eykelbosh	AAF-sub-226	
Susan Fahey	AAF-sub-30	
Ken Faris	AAF-sub-69	
D.J. Michael Farnsworth	AAF-sub-261	
Geoff Farrell	AAF-sub-8	
Reinhold Fassler	AAF-sub-70	
Marg Fehr	AAF-sub-240	
C.E. Fenton	AAF-sub-374	
Bruce Ferguson, Zone 5, United Native Nations Society		01-Nov-01 Nanaimo
Dorothy Field	AAF-sub-354	02-Nov-01 Victoria
Tom and Diane Field	AAF-sub-168	
Norman Fields	AAF-sub-27	
Tom Fisher	AAF-sub-31	
Laurie Flahr	AAF-sub-301	
Hereditary Chief Dennis Fletcher	AAF-sub-140	
Patricia J. Floyd	AAF-sub-111	12-Oct-01 Cranbrook
Mel Folkman		17-Oct-01 Chilliwack
L.M. (Mac) Forbes	AAF-sub-272	
Trevor Forbes	AAF-sub-135	
Gordon and Evelyn Ford	AAF-sub-254	
Mike Forrest, Area E Gillnet Association	AAF-sub-149	18-Oct-01 Vancouver
Melanie Forsythe, Office of the Wet'suwet'en	AAF-sub-285	04-Oct-01 Smithers
Joe Foy, Western Canada Wilderness Committee	AAF-sub-165	17-Oct-01 Chilliwack
Ernie Freeman		05-Oct-01 Fort St. John
Trudy Frisk	AAF-sub-102	
Chas Frizell	AAF-sub-172	
Richard Fuerst		04-Oct-01 Smithers
D'Arcy Gabriele	AAF-sub-318	24-Oct-01 Prince George
Andrew Gage, BC Quaker Committee on Native Concerns	AAF-sub-308	18-Oct-01 Vancouver
Ron Gamble, Reform Party of British Columbia	AAF-sub-153	18-Oct-01 Vancouver
Paul George, Western Canada Wildernes Committee	AAF-sub-147	18-Oct-01 Vancouver
Gordon F. Gibson	AAF-sub-56	26-Sep-01 Vancouver
Harvey Gifford	AAF-sub-351	02-Nov-01 Victoria
Ian Gill, Ecotrust Canada	AAF-sub-304	

Mavis M. Gillie	AAF-sub-359	02-Nov-01 Victoria
Carole Gillis		25-Oct-01 Kamloops
Stanley & Marguerite Gladyz	AAF-sub-73	
Hereditary Chief Darlene Glaim-Buchcholtz (Gyologyet), Wet'sutwet'en First Nation	AAF-sub-88	04-Oct-01 Smithers
Kent Daniel Glowinski	AAF-sub-349	02-Nov-01 Victoria
Bruce Gochauer		03-Oct-01 Prince Rupert
Gary J. Goebel	AAF-sub-36	
Candy Gonzales, Spallumcheen		24-Oct-01 Prince George
Karen Goodings, Peace River Regional District	AAF-sub-92	05-Oct-01 Fort St. John
David J. Gorst	AAF-sub-263	
Elaine Gray		17-Oct-01 Chilliwack
Howard Gray		03-Oct-01 Prince Rupert
Paddy Greene, BC Fisheries Survival Coalition		03-Oct-01 Prince Rupert
Michael Griswold, Area H Trollers' Association	AAF-sub-337	01-Nov-01 Campbell River
Garry Habart	AAF-sub-133	
Bob Hall, Siyam, Sto:lo Nation	AAF-sub-1	17-Oct-01 Chilliwack
Mayor Clint Hames, Fraser Valley Treaty Advisory Committee	AAF-sub-144	17-Oct-01 Chilliwack
Carol Hamill	AAF-sub-223	
Ron Hamilton		01-Nov-01 Port Alberni
Donna Hanson (Hella Kas La)	AAF-sub-306	
Debra Hanuse, British Columbia Treaty Commission	AAF-sub-151	18-Oct-01 Vancouver
Stephen A. Hareau	AAF-sub-49	
Dave Harper	AAF-sub-98	
Connie Harris	AAF-sub-129	
Dave Harris	AAF-sub-103	
Alex Hartford, North Island Concerned Woodlots	AAF-sub-339	01-Nov-01 Campbell River
Mayor Sharon Hartwell, Village of Telkwa	AAF-sub-76	04-Oct-01 Smithers
Mary Hellen Hatch	AAF-sub-161	17-Oct-01 Chilliwack
Gabe Haythornthwaite		02-Nov-01 Victoria
Isabel Heaman, Aboriginal Rights Coalition	AAF-sub-362	02-Nov-01 Victoria
Cecile Helten	AAF-sub-315	
Cynthia Hemsworth, Gabriola Residents and Rate Payers Association	AAF-sub-325	01-Nov-01 Nanaimo
Bob Henderson		04-Oct-01 Smithers
Dianne Henderson	AAF-sub-193	25-Oct-01 Kamloops
John Henderson		01-Nov-01 Campbell River

Richard Henderson	AAF-sub-187	25-Oct-01 Kamloops
P.W. Heyes	AAF-sub-234	
G.M. Hicks	AAF-sub-212	
Ken Higgins	AAF-sub-6	
Doug Hockley	AAF-sub-24	
Richard Hogg	AAF-sub-186	11-Oct-01 Kelowna
Bee Hooker, Share Cariboo-Chilcotin Resources	AAF-sub-112	10-Oct-01 Williams Lake
Craig Hooper	AAF-sub-204	24-Oct-01 Prince George
Gerald Houlden	AAF-sub-367	
Vicky Husband, Sierra Club of British Columbia	AAF-sub-355	02-Nov-01 Victoria
Chief Ron Ignace, Skeetchestn Indian Band	AAF-sub-207	25-Oct-01 Kamloops
Ejnar D. Iversen	AAF-sub-163	17-Oct-01 Chilliwack
Arnie Jack, Williams Lake Indian Band	AAF-sub-116	10-Oct-01 Williams Lake
Ulrich Jahnke	AAF-sub-266	
Kate Jarosz	AAF-sub-28	
Mayor Paul H. Jean, Village of Burns Lake	AAF-sub-79	
Bart Jessup	AAF-sub-328	01-Nov-01 Nanaimo
William G. Jewitt	AAF-sub-109	12-Oct-01 Cranbrook
Chris D. Johnson	AAF-sub-194	25-Oct-01 Kamloops
Frances M. Johnson	AAF-sub-369	
Lance Johnson	AAF-sub-108	11-Oct-01 Kelowna
Dr. Williard Johnston, CANFREE	AAF-sub-179	26-Sep-01 Vancouver
June and Darrell Johnston	AAF-sub-299	
David Jones		26-Oct-01 Lillooet
Trevor Jones		01-Nov-01 Port Alberni
Victoria Jordan, Haida	AAF-sub-164	17-Oct-01 Chilliwack
Ted Joslin	AAF-sub-192	25-Oct-01 Kamloops
Gunnar Kahn		12-Oct-01 Cranbrook
Riho Kalda	AAF-sub-54	
Hank Karpuk, Kamloops and District Fish and Game Association	AAF-sub-195	25-Oct-01 Kamloops
Margie Kaufman	AAF-sub-238	
John Keery	AAF-sub-100	
Rolf Kellerhals, Chauntaluf Farm & Forest	AAF-sub-335	01-Nov-01 Campbell River
Frank B. Kelly	AAF-sub-67	
Olga Kempo	AAF-sub-127	
Jonathan R. Kesselman, Salish Park Leaseholders Association	AAF-sub-379	
Linda Kilby	AAF-sub-242	

Vit Klemes	AAF-sub-224	
Norman Klenman	AAF-sub-126	
Jakob Knaus	AAF-sub-22	
Al D. Knight	AAF-sub-190	25-Oct-01 Kamloops
Chris Knight	AAF-sub-364	02-Nov-01 Victoria
David Konsmo, Green Party of British Columbia		03-Oct-01 Prince Rupert
Herbert M. Korenberg	AAF-sub-64	
Mayor Gary Korpan, City of Nanaimo	AAF-sub-333	01-Nov-01 Nanaimo
Dick Kosick, ORVAL, Resource Management Group Inc.	AAF-sub-278	
Marilyn Kraayvanger	AAF-sub-382	
Haida Kristiansen	AAF-sub-222	
Harry Kury	AAF-sub-131	
Peter Lagomeire, Laguff reserve		24-Oct-01 Prince George
Margaret Lampman	AAF-sub-184	26-Oct-01 Lillooet
Ken Landrock	AAF-sub-175	04-Oct-01 Smithers
Erik Larsen	AAF-sub-297	
Barbara P. Latimer-Needham	AAF-sub-99	
Roland LeBlanc		03-Oct-01 Prince Rupert
Ben Leboe	AAF-sub-113	11-Oct-01 Kelowna
Peter Lester		03-Oct-01 Prince Rupert
Bruce Letendre	AAF-sub-386	
Yvonne Lettie (Suu Dii), Gitxsan		04-Oct-01 Smithers
Martin Lind, Aboriginal Rights Coalition	AAF-sub-362	02-Nov-01 Victoria
Susan Lindenberger	AAF-sub-152	18-Oct-01 Vancouver
William G. Lindsay	AAF-sub-20	
Kimberly Lineger, Saltspring Islanders for Justice and Reconciliation	AAF-sub-360	02-Nov-01 Victoria
Christopher J. Linsdell	AAF-sub-18	
W. Lintott, Interior Logging Association	AAF-sub-277	
Alex Lisman	AAF-sub-52	
Alphonse J. Litjens	AAF-sub-128	
Gary Livingstone, Mining Association of British Columbia	AAF-sub-363	02-Nov-01 Victoria
Councillor Bruce Lloyd, Village of Port Alice	AAF-sub-340	01-Nov-01 Campbell River
Howard Lloyd		24-Oct-01 Prince George
Wendy Lockhart-Lundberg, Native Women CARE Society	AAF-sub-174	19-Sep-01 Victoria
Brian Logan	AAF-sub-136	

Jane Louie	AAF-sub-51	
Robert W. Louie, Ktunaxa	AAF-sub-298	
Darren Lowe	AAF-sub-96	
J. Keith Lowes	AAF-sub-159	18-Oct-01 Vancouver
Thomas Lucas	AAF-sub-19	
Dr. Peter Lusztig, British Columbia Treaty Commission		18-Oct-01 Vancouver
Eva Lyman	AAF-sub-241	
Barbara Lynyard	AAF-sub-40	
Alex MacDonald		17-Oct-01 Chilliwack
Graham Evan MacDonell	AAF-sub-300	
John Macdonell		24-Oct-01 Prince George
John MacIntyre	AAF-sub-59	
Andrew Mackay	AAF-sub-50	
Donald George MacKenzie, Indigenous Business Magazine	AAF-sub-148	18-Oct-01 Vancouver
Glenn E. Mackenzie	AAF-sub-372	
June MacLaurin	AAF-sub-93	
H.N. MacPherson	AAF-sub-310	
Neil MacPherson		11-Oct-01 Kelowna
Eric Mah	AAF-sub-87	04-Oct-01 Smithers
Steve Mancinelli	AAF-sub-32	
Jim Manly, Mid Island Chapter, Council of Canadians		01-Nov-01 Nanaimo
Lyssa Marcil	AAF-sub-345	01-Nov-01 Campbell River
Monte Marler	AAF-sub-61	
E. W. Marnoch	AAF-sub-240	
Ron Martin, Tla-o-qui-aht		02-Nov-01 Victoria
Douglas George Massey, Delta Treaty Task Force	AAF-sub-2	18-Oct-01 Vancouver
Eldon Matte	AAF-sub-246	
Chief Nathan Matthew, First Nations Education Steering Committee Society	AAF-sub-282	
John Mayba	AAF-sub-302	
Don Mazur		12-Oct-01 Cranbrook
David McBride, Greenmax Resources	AAF-sub-317	
Margaret McDonald	AAF-sub-81	
Alex McIntosh	AAF-sub-189	25-Oct-01 Kamloops
Patrick McIsaac	AAF-sub-260	
Corinne McKay	AAF-sub-247	
Cecile McKinnon	AAF-sub-321	01-Nov-01 Port Alberni

Richard McLaren	AAF-sub-82	04-Oct-01 Smithers
Cynthia McLean	AAF-sub-150	18-Oct-01 Vancouver
Jack McLeman, Port Alberni and District Labour Council	AAF-sub-324	01-Nov-01 Port Alberni
Brian McNaughton (on behalf of Chris Cunningham), Federation of British Columbia Woodlot Associations	AAF-sub-197	25-Oct-01 Kamloops
Roy McNutt		25-Oct-01 Kamloops
Jack Medd	AAF-sub-269	
Gordon Meek	AAF-sub-251	
Ben Meisner		24-Oct-01 Prince George
Jerry Mencl	AAF-sub-94	
Garry Merkel	AAF-sub-43	
Mark Milke, Canadian Taxpayers' Federation	AAF-sub-303	02-Nov-01 Victoria
Anthony and Betty Miller	AAF-sub-230	
Mayor Bruce Milne, District of Sechelt	AAF-sub-365	02-Nov-01 Victoria
Peter J. Mogan, Salish Park Leaseholders Association	AAF-sub-379	
Elmer Moody, Kitkatla		03-Oct-01 Prince Rupert
Grace Mooney	AAF-sub-280	
Simon Moses		10-Oct-01 Williams Lake
Oliver Mott	AAF-sub-217	05-Oct-01 Fort St. John
Beryl E. Mottershead	AAF-sub-368	
James Munro	AAF-sub-232	04-Oct-01 Smithers
Ronda Murdock	AAF-sub-289	
Roy Nagel, Central Interior Logging Association	AAF-sub-277	
Joy Newall, S. Island Regional Advisory Committee	AAF-sub-331	01-Nov-01 Nanaimo
Peter Newport	AAF-sub-9	
Bruce R. Newton, Pinantan Pemberton Livestock Association	AAF-sub-199	25-Oct-01 Kamloops
Don Nickason		18-Oct-01 Vancouver
Kathy Nitels	AAF-sub-240	
Mayor Brian J. Northup, Town of Smithers	AAF-sub-214	
J. Ralph Nursall	AAF-sub-342	01-Nov-01 Campbell River
David Oliver	AAF-sub-160	17-Oct-01 Chilliwack
Roy Olsen	AAF-sub-200	24-Oct-01 Prince George
Elizabeth Omasta	AAF-sub-240	
David and Catherine Oswald	AAF-sub-173	
Bill Otway, Sportfishing Defence Alliance	AAF-sub-4	

Bill Otway, B.C. Wildlife Federation	AAF-sub-58	18-Oct-01 Vancouver
Rick and Neela Paige	AAF-sub-281	
Joy & Jim Panter	AAF-sub-66	
Councillor Sergio Paone, Town of Tofino		01-Nov-01 Port Alberni
Larry Papp, Métis		05-Oct-01 Fort St. John
Paul Parry		04-Oct-01 Smithers
Bob Pawley, One Ten West	AAF-sub-5	
Gordon Payne	AAF-sub-245	01-Nov-01 Campbell River
Venerable Gordon Payne, St. Paul's Anglican Church	AAF-sub-213	
Jane Petch	AAF-sub-286	
Gerard Peters (Eppa), In-SHUCK-ch First Nation		19-Sep-01 Victoria
S. Pettyjohn	AAF-sub-259	
Chief Dorothy Phillips, Soda Creek Band		10-Oct-01 Williams Lake
Thomas Phillips, Soda Creek Band		10-Oct-01 Williams Lake
Maureen Picone	AAF-sub-97	
Chief Harry Pierre, Tl'azt'en Nation	AAF-sub-39	
Randy Pilfold, Seafirst Investments Ltd	AAF-sub-380	
Kirstie Pirie, Lower Mainland Treaty Advisory Committee	AAF-sub-146	
Sybil Plommer	AAF-sub-249	
Mary Porter	AAF-sub-215	
Mayor Brian Postill, District of Coldstream	AAF-sub-231	
John Pousette	AAF-sub-80	
Lois Powell	AAF-sub-250	
Linda Price, Creston KAIROS Committee for Social Justice	AAF-sub-233	
Richard Price	AAF-sub-348	02-Nov-01 Victoria
Dave Prosser, Northern Trollers Association		03-Oct-01 Prince Rupert
Brian T. Radford	AAF-sub-68	
Al Raine	AAF-sub-216	
Peter Rastell	AAF-sub-3	
Gord Rattray, Cariboo Lumber Manufaucturers' Association	AAF-sub-114	10-Oct-01 Williams Lake
Terry Ray	AAF-sub-25	
Donalda Regehr	AAF-sub-253	
Anthony Reynolds	AAF-sub-343	01-Nov-01 Campbell River
John E. Rhys	AAF-sub-65	

George Richards, Kootenay Anti-racism Education and Research Society	AAF-sub-319	
John Richards	AAF-sub-158	18-Oct-01 Vancouver
Miles Richardson, British Columbia Treaty Commission	AAF-sub-151	18-Oct-01 Vancouver
Kathryn J. Ridley	AAF-sub-370	
Jean Riggs	AAF-sub-240	
Clark M. Roberts	AAF-sub-353	02-Nov-01 Victoria
Janice Roberts	AAF-sub-142	
John Roberts	AAF-sub-123	
Don Robinson, BC Wildlife Federation	AAF-sub-235	
Trev Roote, Westgulf Enterprises Ltd	AAF-sub-275	
Rev. E.C. Roworth	AAF-sub-11	
Brian Ruddell		05-Oct-01 Fort St. John
Peter A. Ruoss	AAF-sub-23	
John & Patricia Samson	AAF-sub-33	
Bill Saun, North West Loggers Association	AAF-sub-277	
Sherry Saunderson	AAF-sub-296	
Faye Saxon	AAF-sub-29	
Bernd Scheifele, Desolation Resort	AAF-sub-178	
Arthur Schoeddert	AAF-sub-35	
Jean and Don Schoening	AAF-sub-240	
Hereditary Chief Vincent Henry Scow, Kwicksutaineuk Tribe	AAF-sub-10	
Troy Sebastian, Ktunaxa, Native Student Union of the University of Victoria		02-Nov-01 Victoria
Greg Sehn, Cariboo Regional District	AAF-sub-307	
Andy Shadrack	AAF-sub-110	12-Oct-01 Cranbrook
Frank G. Shannon	AAF-sub-139	
Lawrie Shears, Lillooet Chamber of Commerce	AAF-sub-183	26-Oct-01 Lillooet
Linda Shekerdemian	AAF-sub-45	
Cyril M. Shelford	AAF-sub-262	
John William Shephard, Regional District of Mount Waddington	AAF-sub-270	
Mike Shepherd	AAF-sub-205	24-Oct-01 Prince George
Ed Shook	AAF-sub-311	
Fred Shortreid	AAF-sub-138	
Robert Shypitka		12-Oct-01 Cranbrook
Hugh Silver	AAF-sub-336	01-Nov-01 Campbell River

Donald A. Silversides, Q.C.	AAF-sub-75	03-Oct-01 Prince Rupert
Robert Slaven	AAF-sub-203	24-Oct-01 Prince George
Margaret Smart	AAF-sub-347	02-Nov-01 Victoria
Hans Smit, Smithers Exploration Group	AAF-sub-90	04-Oct-01 Smithers
Lori M. Smith	AAF-sub-274	
Oswall Harry Smith	AAF-sub-240	
Sister Marina Smith	AAF-sub-156	18-Oct-01 Vancouver
Jimmie Spencer, Canada West Ski Areas Association	AAF-sub-198	25-Oct-01 Kamloops
Anne Spilker, Action for Diversity Team		01-Nov-01 Nanaimo
John Sproule	AAF-sub-74	
Colin Stark, Canadians for Direct Democracy	AAF-sub-155	18-Oct-01 Vancouver
Sarah Starr	AAF-sub-377	
Philip Steenkamp, Treaty Negotiations Office	AAF-sub-105	19-Sep-01 Victoria
Cyril Stephens, Nisga'a		03-Oct-01 Prince Rupert
Alastair B Stevens	AAF-sub-63	
A. J. Stewart	AAF-sub-388	
Lloyd Stock	AAF-sub-185	26-Oct-01 Lillooet
Lynne Stonier-Newman	AAF-sub-346	02-Nov-01 Victoria
Donald Suchla	AAF-sub-252	
Clive Tanner	AAF-sub-344	02-Nov-01 Victoria
Michael Tarr, Prince Rupert Economic Development Council		03-Oct-01 Prince Rupert
Dr. Paul Tennant	AAF-sub-57	26-Sep-01 Vancouver
Merle Terlesky	AAF-sub-196	25-Oct-01 Kamloops
Paul Thanh	AAF-sub-287	
Ron Thiel, Prince George Treaty Advisory Committee	AAF-sub-202	24-Oct-01 Prince George
J.B. Thomson	AAF-sub-166	
Mayor Steve Thorlakson, City of Fort St. John		05-Oct-01 Fort St. John
Jack Thornburgh, Council of Canadians, Port Alberni chapter	AAF-sub-320	01-Nov-01 Port Alberni
Casey Timmermans	AAF-sub-334	01-Nov-01 Nanaimo
F. Tkachuk	AAF-sub-169	
Wayne Topolewski, BC Wildlife Federation, Terrace Rod & Gun Club	AAF-sub-236	
Wolfgang Trescher	AAF-sub-256	
Dr. Charles Murray Trigg & Mrs. Doris Catherine Trigg	AAF-sub-47	
Theresa Trudel	AAF-sub-170	

Philip G. Trueman	AAF-sub-41	
Terry Turnbull	AAF-sub-124	
Cor van der Meulen	AAF-sub-84	04-Oct-01 Smithers
Councillor Greg Van Dolah, District of Vanderhoof		24-Oct-01 Prince George
Roberta van Doorn		03-Oct-01 Prince Rupert
J. Van Hoepen	AAF-sub-385	
Keith Van Tine	AAF-sub-42	
Craig Vance, Anglican Diocese of New Westminster		18-Oct-01 Vancouver
Dave Verwoerd	AAF-sub-44	
Shirley Viens		05-Oct-01 Fort St. John
Jose Villa-Arce, Treaty Negotiations Office	AAF-sub-378	
Stefan Voswinkel	AAF-sub-284	
Dieter H. Wagner	AAF-sub-78	04-Oct-01 Smithers
Hans Wagner	AAF-sub-381	
N. J. Walker	AAF-sub-208	
Mayor Elinor Warner, PIX (Pavilion, In-SHUCK-ch N'Quat'qua,Xaxli'p) Treaty Advisory Committee	AAF-sub-182	26-Oct-01 Lillooet
Glenn Warren	AAF-sub-220	
Leslie Welin	AAF-sub-229	
Dwight Wendell		11-Oct-01 Kelowna
Mick Werstuik, Westbank First Nations	AAF-sub-107	11-Oct-01 Kelowna
J.P. West	AAF-sub-283	
John Weston, CANFREE	AAF-sub-179	26-Sep-01 Vancouver
Mr and Mrs D. Whipple	AAF-sub-122	
Bill White, Tsimshian		03-Oct-01 Prince Rupert
Ted White, MP	AAF-sub-264	
Rodney G. Wiebe, BC Wildlife Federation, Vancouver Island Region	AAF-sub-276	
Janet Wilson, (on behalf of Mayor Pieter Weeber), District of New Hazelton	AAF-sub-77	04-Oct-01 Smithers
W. L. M. (Bill) Wilson	AAF-sub-34	
Bill Wimpney, Chilliwack Fish and Game Protective Association	AAF-sub-162	17-Oct-01 Chilliwack
John Winter, British Columbia Chamber of Commerce	AAF-sub-206	24-Oct-01 Prince George
Stuart G. Wright	AAF-sub-332	01-Nov-01 Nanaimo
Bernadette Wyton		01-Nov-01 Port Alberni
Ken Youds, Thetis Island Residents' and Ratepayers' Association	AAF-sub-316	

Daryl Youlden		02-Nov-01 Victoria
Jenny Young		26-Oct-01 Lillooet
Randy Young, Gabriola Residents and Rate Payers Association	AAF-sub-325	01-Nov-01 Nanaimo
Ron Zalinko	AAF-sub-91	05-Oct-01 Fort St. John
Bill Zemenchik	AAF-sub-85	04-Oct-01 Smithers
Catherine Zimmerman, Cariboo Chilcotin Regional Treaty Negotiation Committee	AAF-sub-268	
Mary and Oscar Zorn	AAF-sub-240	

APPENDIX III - DEFINITION OF ABORIGINAL RIGHTS

Aboriginal Rights:

(From: *"Glossary Of Treaty-Related Terms As Used by the Province Of British Columbia," Provincial Treaty Negotiations Office*)

- refer to practices, tradition or customs ("activity[ies]") which are integral to the distinctive culture of an aboriginal society and were practiced prior to European contact, meaning they were rooted in the pre-contact society (the date is no longer prior to 1846, the date British sovereignty was asserted in B.C.);
- must be practiced for a substantial period of time to have formed an integral part of the particular aboriginal society's culture;
- must be an activity that is a central, defining feature which is independently significant to the aboriginal society;
- must be distinctive (not unique), meaning it must be distinguishing and characteristic of that culture;
- must be based on an actual activity related to a resource: the significance of the activity is relevant but cannot itself constitute the claim to an aboriginal right;
- must be given a priority after conservation measures (not amounting to an exclusive right);
- must meet a continuity requirement, meaning that the aboriginal society must demonstrate that the connection with the land in its customs and laws has continued to the present day;
- may be the exercise in a modern form of an activity that existed prior to European contact;
- may include the right to fish, pick berries, hunt and trap for sustenance, social and ceremonial purposes (for example, ceremonial uses of trees and wildlife locations);
- may include an aboriginal right to sell or trade commercially in a resource where there is evidence to show that the activity existed prior to European contact "on a scale best characterized as commercial" and that such activity is an integral part of the aboriginal society's distinctive culture;
- may be adapted in response to the arrival of Europeans if the activity was an integral part of the aboriginal society's culture prior to European contact;
- do not include an activity that solely exists because of the influence of European contact;
- do not include aspects of aboriginal society that are true of every society, such as eating to survive.

APPENDIX IV - DATES OF INTEREST IN THE HISTORY OF TREATY NEGOTIATIONS

1763

The *Royal Proclamation of 1763* by King George III recognizes Aboriginal people as "nations or tribes" and acknowldeges that they continue to possess traditional territories until they are "ceded to or purchased by" the Crown.

> *". . . Whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds . . .*
>
> *And We do further declare it to be Our Royal Will and Pleasure, for the present . . . to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included with limits of Our . . . new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and the North West . . ."*

1774

First recorded contact by Spanish Explorer Juan Perez Hernandez when he meets Haida near Haida Gwaii. Oral history indicates that some BC First Nations had prior contact with Europeans.

1778

Captain Cook lands on the coast of British Columbia and claims the land for Britain.

1793

British sea captain George Vancouver sails into Observatory Inlet (Ts'im Gits'oohl) and produces first contact between the Niaga'a and explorers.

1843

Fort Victoria is established by James Douglas.

1849

Vancouver Island becomes a British colony. Richard Blanshard is appointed as first governor. The British Crown gave trading rights to the Hudson's Bay Company, and placed it in charge of immigration and settlement.

1850 - 1854

James Douglas, chief factor of Fort Victoria, under instructions to purchase First Nations lands, made a series of fourteen land purchases from Aboriginal peoples. The Douglas Treaties cover approximately 358 square miles of land around Victoria, Saanich, Sooke, Nanaimo and Port Hardy. Natives are paid in blankets and promised the rights to hunt on unsettled lands and to carry on fisheries "as formerly".

1851

James Douglas appointed governor of the Vancouver Island colony, while retaining his Hudson's Bay Company position.

1858

The Mainland becomes the Colony of British Columbia. James Douglas is also appointed governor of the new colony. He resigns his Hudson's Bay Company position.

1859

New Westminster becomes the first capital of British Columbia.

1861

Douglas instructs R.C. Moody, the chief commissioner of lands and works on the mainland colony, to ensure that "the extent of the Indian Reserves . . . be defined as they may severally pointed out by the Natives themselves."

1862

Devastating smallpox epidemic kills approximately one of every three Aboriginal people.

1864

Governor Douglas retires. A.E. Kennedy is appointed in his place.

Joseph Trutch is appointed Chief Commissioner of Lands.

1866

Colony of Vancouver Island and the Colony of British Columbia are united into a single colony: British Columbia.

1867

Canada becomes a country when confederation joins Nova Scotia, New Brunswick, Quebec and Ontario.

The federal government is given authority under Section 91(24) of the *The Constitution Act 1867* (Canada's first constitution) "to make laws for the Peace, Order, and good Government of Canada" including laws about "Indians and lands reserved for Indians."

1870

Joseph Trutch, as Chief Commissioner of Lands and Works, writes memorandum denying the existence of Aboriginal title.

1871

The Colony of British Columbia becomes a province within the Canadian Confederation. British Columbia is the sixth province to join the Dominion of Canada.

The Terms of Union between British Columbia and Canada states that the federal government will assume responsibility for Indians and British Columbia will retain authority over land and resources.

Joseph Trutch is appointed as the province's first Lieutenant-Governor.

The British North America Act, 1871.

1872

Hundreds of Coast Salish rally outside provincial land registry in New Westminster, on the Lower Mainland, seeking settlement of the Land Question.

1874

56 chiefs approve a petition to federal Indian Commissioner Israel Powell asking for implementation of a federal proposal that reserves contain 80 acres per family.

1876

Indian Act is established. The *Act* focused on three main areas: Land, Membership, and Local Government. It consolidates all previous Indian legislation; defines Indian status; and gives the Superintendent General administrative powers of Indian affairs.

1880s

European population surpasses Aboriginal population - many Aboriginal people have died from contact with European diseases.

Christian missions, Protestant on the central and north coasts, Roman Catholic on the south coast and in the interior, are by now widely established.

Removing of Native children from home and family for education and "civilization" is begun.

1881

Chief Mountain leads a Nisga'a protest delegation to Victoria.

1884

Indian Act amended to outlaw cultural and religious ceremonies such as the potlatch, which is the major social, economic and political institution of the coastal peoples.

1885

Three Tsimshian chiefs travel to Ottawa and meeting with Prime Minister Macdonald to discuss "our troubles about our land."

1886

Nisga'a in the Upper Nass resist surveyors and begin organized pursuit of land claims.

1887

Nisga'a and Tsimshian chiefs travel to Victoria to discuss the Land Question and self-government with Premier William Smithe. Premier Smithe responds with the myth that Indians could no more be seen as landowners than could the birds or the bears. "When the whites first came among you, you were little better than the wild beasts fo the field."

1889

Federal fishing permit system introduced.

1890

Establishment of the first Nisga'a Land Committee.

1898

The flow of gold-seekers to the Yukon are blocked at Fort St. John by Natives demanding a treaty that defines and protects traditional territories.

1899

Treaty 8 is extended westward into British Columbia from Alberta, and allocates a 5,500 square mile section of northeastern B.C. The Government of British Columbia continues to reject concept of Aboriginal title but does not object to the treaty.

1909

The Nisga'a Land Committee arranges with other northcoast tribes to form the Native Tribes of B.C.

A delegation representing 20 British Columbia Indian Nations travel to England to make a presentation to the Crown regarding the Land Question.

1910

Prime Minister Laurier in Prince Rupert promises to settle the Land Question.

1912

The federal and provincial governments agree that a Royal Commission should re-examine the size of every reserve in the province.

1913

Nisga'a land committee submits petition to British Privy Council to resolve the Land Question. The petition was referred back to Canada.

1916

McKenna-McBride Royal Commission report, intended to "provide a final adjustment of all matters related to Indian Affairs in the province," recommends changing and redistributing reserve lands. The Commission did recommends enlargement of some reserves, but also advises that much valuable land be cut from others.

The Allied Tribes of British Columbia, the first province-wide First Nations organization, is formed to pursue land claims and secure treaties. The alliance represents the majority of tribal groups in the province.

1919

The Allied Tribes of British Columbia file a petition to the federal and provincial governments that is a comprehensive presentation of all Indian land claims in the province.

1920

Bill 13: *British Columbia Indian Lands Settlement Act* is passed by the federal government, and implements the McKenna-McBride recommendations. Allows reductions or "cut-offs" of reserves without consent of Aboriginal people, contrary to provisions of the *Indian Act*.

Ditchburn-Clark team is setup to review the Report of the Royal Commission. The review is completed in 1923 and finds inaccuracies regarding acreages and descriptions.

1923

Natives allowed commercial saltwater fishing licences.

1924

Cut-offs of reserves are carried out with 76 square kilometres of reserve land allocated to Nisga'a.

1926

Chief William Pierrish of Neskonlith goes to London, England, with two other Chiefs to petition the Imperial government regarding the land question. They are intercepted by the High Commissioner of Canada who undertakes to deliver the Petition and pursuades Chief Pierrish to return to Canada.

1927

Parliament appoints a specal joint committee of the Senate and House of Commons of Canada to respond to the Allied Indian Tribes of British Columbia. The joint committee decided unanimously that their claim to Indian title in British Columbia was without merit.

Parliament amends the *Indian Act* to make it illegal to "receive, obtain, solicit or requests from any Indian any payment or contribution for the purpose of raising a fund or providing money for the prosecution of any claim" without the consent of the Superintendant General of Indian Affairs.

1929

Aboriginal population in B.C. less than 30,000, its lowest point since European contact.

1931

Native Brotherhood of B.C. is formed and secretly keeps Land Question discussions alive.

1938

British Columbia Order-in-Council 1036 gives final conveyance of title to Indian reserves in British Columbia to the federal government.

1949

British Columbia government unilaterally grants Indian people the right to vote in provincial elections. Frank Calder is the first native to be elected to the provincial legislature.

1951

Parliament repealed the provisions of the *Indian Act* that outlawed the potlatch and prohibited "land claims" activity.

1955

The Nisga'a Land Committee is re-established as the Nisga'a Tribal Council.

1960

Aboriginal people on reserves granted the right to vote in federal elections. Phasing out of Indian residential schools begins.

1965

Nanaimo natives arrested for hunting in unoccupied portion of Nanaimo treaty area. Province argues Douglas agreements were not treaties. Supreme Court of Canada disagrees, causing Aboriginal rights to emerge as a serious issue in Canadian courts.

1966

The federal Department of Indian Affairs and Northern Development (DIAND) is formed.

1968

Nisga'a take the Land Question to court (Calder), seeking a declaration that they had held Aboriginal title to the land prior to colonization, and that their tit'e had never been extinguished.

1969

B.C. Association of Non-Status Indians (BCANSI) formed.

The Union of B.C. Indian Chiefs (UBCIC) is formed to proceed with a land claim on behalf of all B.C. status Indians.

1973

Calder Decision: The Supreme Court of Canada rules that the Nisga'a had held Aboriginal title before settlers came, but the judges split evenly on the question of the continuing existence of their title.

1974

Federal government starts negotiations with Nisga'a in north western B.C.

1976

The federal government adopts a "comprehensive land claims policy." Under the Comprehensive Claims policy, only six land claims could be negotiated in Canada at any one time, and only one per province.

In British Columbia, negotiations are started with the Nisga'a Nation without the participation of the Government of British Columbia. The Nisga'a land claim is the only claim in B.C. started under the Comprehensive Claims policy.

1982

Constitution Act recognizes and affirms existing Aboriginal and treaty rights, but leaves question of unextinguished title open for courts to decide.

Section 35 of the *Constitution Act, 1982* states:

> (1) The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.

1984

Guerin v. The Queen: Final ruling in Musqueam Indian Band's 1975 lawsuit against federal government over the lease of 162 acres of reserve land to the Shaugnessy Golf Club (in Vancouver) in the late 1950s. The Supreme Court of Canada recognizes that Aboriginal rights existed before Canada became a country and that those rights apply both on- and off-reserve. It also confirms that the federal government must protect the interests of Aboriginal people.

Delgamuukw Case: Gitskan and Wet'suwet'en First Nations file suit against the province, claiming ownership of 57,000 square kilometres of traditional territories near Hazelton, as well as right to self-government and compensation for lost land and resources.

1985

Important changes were made to Canada's *Indian Act* on June 28, 1985, when Parliament passed Bill C-31, *an Act to Amend the Indian Act.* Bill C-31 brought the *Act* into line with the provisions of the *Canadian Charter of Rights and Freedoms.*

1986

Sparrow Decision: Ruling in the case of Ronald Sparrow, a Musqueam charged with violating federal fishing regulations while fishing off-reserve in the lower Fraser River. Court of Appeal rules that Aboriginal rights to fish for food continue to exist in non-treaty areas of the province.

Federal government introduces *Sechelt Indian Band Government Act*, grants title to lands in traditional Sechelt territory and provides for self-government through legislation.

1987

The Native Affairs Secretariat was created by the Government of British Columbia.

1988

The Native Affairs Secretariat becomes the Ministry of Native Affairs.

1990

The Supreme Court of Canada rules (Sparrow v. The Queen) that Section 35 of the *Constitution Act* provides "a strong measure of protection" for Aboriginal rights. The Court further rules that Aboriginal and treaty rights are capable of evolving over time and must be interpreted in a generous and liberal manner. The Court also rules that governments may regulate existing Aboriginal management of resources and that after conservation goals are ment, Aboriginal people must be given priority to fish for food over other user groups.

In August, the Province of British Columbia agreed to join the First Nations and Government of Canada in negotiations, and proceeds to immediately enter the negotiations underway between the Nisga'a and the Government of Canada.

In October, leaders of First Nations met with the Prime Minister of Canada and then with the Premier and Cabinet of British Columbia urging the appointment of a tripartite task force to develop a process for negotiations.

On December 3, the British Columbia Claims Task Force is established. The terms of reference call upon the task force to make recommendations on the scope of negotiations, the organizations and process of negotiations, interim measures, and public education.

1991

Delgamuukw Decision: The B.C. Supreme Court rules that the Gitxsan and Wet'suwet'en people have "unextinguished non-exclusive Aboriginal rights, other than right of ownership" to much of their traditional territory. The Court urged the parties to negotiate the scope and content of those rights.

In June the British Columbia Claims Task Force makes 19 recommendations. All of the recommendations are accepted by the First Nations Summit and the federal and provincial governments. The recommendations include establishing a six-stage treaty process for negotiating treaties.

Government of British Columbia officially recognizes the inherent rights of First Nations to Aboriginal title and to self-government, and pledged to negotiate just and honourable treaties.

The Ministry of Native Affairs is renamed the Ministry of Aboriginal Affairs and given expanded responsibilities to reflect the provincial government's new direction.

1992

B.C. Treaty Commission Agreement established by First Nations Summit, provincial and federal governments in response to one of the 19 recommendations made by the BC Claims Task Force.

1993

In March, an agreement outlining the role of local governments in Aboriginal treaty negotiations is signed by the Government of British Columbia and the Union of British Columbia Municipalities.

On April 15, the British Columbia Treaty Commission is appointed. The Commission is the keeper of the treaty-making process - its role is to facilitate the negotiation of treaties. It is not an arm of any government and it does not negotiate treaties.

In June, the B.C. Court of Appeal (Delgamuukw) recognizes continuing existence of Aboriginal rights.

On December 15, the BC Treaty Commission begins the treaty-making process by accepting Statements of Intent from First Nations, the first stage of a six-stage negotation process.

1994

On September 19, an agreement ensuring local government participation in treaty negotations is signed by the Government of British Columbia and the Union of British Columbia Municipalities.

The federal government accepts Section 35 of the *Constitution* as including the Aboriginal right to self-government.

1995

Major court decisions:

Canadian Pacific Ltd. v. Matsqui Indian Band (January 26, 1995 - Supreme Court of Canada)

Blueberry River Indian Band v. The Queen (December 14, 1995 - Supreme Court of Canada)

1996

On February 15, negotiators for Canada, British Columbia and the Nisga'a Tribal Council initialed an agreement-in-principle which will form the basis for the first modern-day treaty in B.C.

On March 22, Indian and Northern Affairs Minister Ronald A. Irwin and B.C. Aboriginal Affairs Minister John Cashore join with Nisga'a Tribal Council President Joseph Gosnell Sr. to sign the agreement-in-principle at an historic ceremony in New Aiyansh. The signing paves the way for negotiations of a final agreement and implementation of the treaty.

Major court decisions:

Nikal v. The Queen (April 25, 1996 - Supreme Court of Canada)

Lewis v. The Queen (April 25, 1996 - Supreme Court of Canada)

R. v. NTC Smokehouse Ltd (August 21, 1996 - Supreme Court of Canada)

R. v. Van der Peet (August 21, 1996 - Supreme Court of Canada)

1997

Major court decisions:

Haida v. The Queen (November 7, 1997 - B.C. Court of Appeal)

Delgamuukw v. British Columbia (December 11, 1997 - Supreme Court of Canada)